IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PLANT GENETIC SYSTEMS, N.V.,)
Plaintiff,)
V.) Civil Action No. 1:95cv00741
MYCOGEN PLANT SCIENCES, INC., and AGRIGENETICS, INC.,)))
Defendants.)
)

DEFENDANTS' MOTION FOR DETERMINATION OF EXCEPTIONAL CASE AND AWARD OF FEES, COSTS AND INTEREST

Pursuant to 35 U.S.C. § 285, Rule 54(d) of the Federal Rules of Civil Procedure, and the Court's inherent equitable power, and for the reasons stated in its Memorandum of Law filed herewith, Defendants Mycogen Plant Sciences, Inc., and Agrigenetics, Inc. (collectively "Mycogen") hereby move that the Court enter an order finding this case to be an exceptional case under 35 U.S.C. § 285 and enter award of \$5,258,028.14 from Plaintiff Plant Genetic Systems, N.V. (currently known as Bayer BioScience N.V.). This amount represents the reasonable fees and costs that Mycogen incurred in its defense of this case.

Respectfully submitted on March 18, 2011.

/s/ Jon Berkelhammer

Jonathan A. Berkelhammer

N.C. State Bar No. 10246

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Plaintiff, v.)) Civil Action No. 1:95CV00741	
MYCOGEN PLANT SCIENCES, INC., and AGRIGENETICS, INC.,)))	
Defendants.)))	
CERTIFICATE OF SERVICE		
I hereby certify that on March 18, 2011, I electronically filed the foregoing with		
the Clerk of the Court using the CM/ECF system which will send notification of such		
filing to the following:		
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